THE OBSERVATOR.

Remarks on the Preliminaries to the Treaty of Peace, wherein the Modesty of the Propoſals made by the Houſe of Auſtria *and* Great Britain, *is prov'd, and what they may juſtly further inſiſt upon in Caſe of a new Treaty, with Relation to the Proteſtant Succeſſion, the Trade of* Great Britain, *&c. hinted at.*

From Wednesday, June 8. to Saturday, June 11 1709.

Country-m. PRay, Maſter, let's talk a little now about the ſeveral Letters ſent you by Gentlemen, relating to what they think fit to be inſiſted upon at the Treaty of Peace, if it be renew'd.

Obſ. With all my Heart, *Roger*; but let us firſt conſider the Preliminaries that have been already adjuſted, becauſe you know there's a Set of People among us, who exclaim againſt them as very extravagant, tho' I think it were eaſy to demonſtrate, that thoſe made by the Houſe of *Auſtria* and *Great Britain*, are far ſhort of what we might in Juſtice have inſiſted on. To make this plain, *Roger*, the Houſe of *Auſtria* has an undoubted Title to all that formerly belong'd to the Houſe of *Burgundy*, whoſe Heireſs was marry'd to *Maximilian* the Iſt; ſo that by her, he and his Poſterity, the preſent Houſe of *Auſtria* were juſtly entitl'd to the whole Dutchy of *Burgundy*, as well as the *Netherlands*; ſo that the Houſe of *Auſtria* might have lawfully inſiſted upon all but the ſeven united Provinces, which would not only have brought them the *Franche Compte*, that *Lewis* the XIVth unjuſtly ſeiz'd in our own Time, but all the other Part ſeiz'd by *Lewis* the XIth, with *Amiens*, *St. Quintin*, and other Places in *Picardy*. Then the Emperor might in Right of the Empire, not only have inſiſted upon the entire Reſtoration of *Alſace*, without allowing the *French* King any Benefit of the Conceſſions made him by the Treaty of *Weſtphalia*, but likewiſe on the Reſtitution of what is now call'd *French Bar*, and *French Lorrain*, which is Part of the Circle of the *Upper Rhine*, and particularly on the reſtoring the three ſuffragan Biſhopricks of *Metz*, *Toul*, and *Verdun*, to the Archiepiſcopal See of *Treves*; ſo that no Body can ſay the Houſe of *Auſtria* has been extravagant in their Propoſals, but muſt own they had juſt Cauſe to leave Room for the farther Demands of the Emperor and Empire, as they did by the 31ſt and 32d Articles, *&c.* of the Preliminaries.

Then as to the Reſtitution of the whole *Spaniſh* Monarchy and the *Weſt Indies*, the *French* King's making any Demur about that, is a plain Demonſtration, that his Conſcience is ſear'd, ſince his Father and himſelf ſo ſolemnly renounc'd all Pretenſions to it for themſelves and their Poſterity, by their reſpective Treaties of Marriage, the Treaty of the *Pyrenees*, *&c.* as I have frequently told you, which were ratify'd by ſolemn Oaths, ſworn on the Altar, by all that the *French* King held ſacred.

Country-m. I think you have made the Modeſty of the Demands of the Houſe of *Auſtria* very plain, Maſter. Pray what do you ſay to ours?

Obſ. That ours have been modeſt to a Degree, *Roger*, will appear thus, 1. By the 14th Article 'tis ſtipulated, that the *French* King ſhall own the Queen of *Great Britain* in that Quality. Now, conſidering the knaviſh Diſtinction that has of late obtain'd among us, of a Queen *de facto* and *de jure*, in my Opinion, we might juſtly have inſiſted upon his owning her Majeſty in both thoſe Reſpects, in their plain literal Senſe, without Equivocation or mental Reſervation. 2. By the 15th Article he is to acknowledge our Succeſſion in the Proteſtant Line, as ſettl'd by the Acts of the Parliament of *Great Britain*. But conſidering, that he and our *Jacobites* at Home are known to diſown the Legality of the Revolution, and of the Conventions and Parliaments that have been held ſince in *England*, *Scotland*, and *Ireland*, I am of Opinion, that to cut off all Ground or Room for chicaning and double *Entendres*, we might have inſiſted upon his poſitive Renunciation of all Claim or Title by the *St. Germains* Family, or by the Branch of the late Dutcheſs of *Orleance*; wherein I can ſee no Hurt if the Prince of *Piedmont*, the Dutcheſſes of *Burgundy* and *Anjou*, with their Poſterity, had been expreſsly nam'd; and there's the more Reaſon for this, that the Dutcheſs of *Savoy* put in her Claim in our Houſe of Lords, when the Act for ſettling the Proteſtant Succeſſion was on foot, that ſo it might not have been in the Power of the *French* King or his Succeſſors to have done any Thing in Time to come, directly or indirectly, to own or ſupport the *St. Germain's* Family or their Poſterity, or any of the late Dutcheſs of *Orleance*'s Branch or Deſcendants, in their Pretenſions to our Crown. And this, *Roger*, the *French* Court could ſcarce have refus'd us with any good Grace, ſince 'tis no more than what they have done themſelves, with Relation to our former Princes and her preſent Majeſty, who, tho' their Right to the Crown of *France* by lineal Deſcent, be undoubted, yet they have put a Bar upon them by their pretended *Salick* Law, which excludes the Iſſue of Females of the Blood Royal of *France*, from the Succeſſion to that Crown, tho' they could never yet give any Account of the Origin of that Law, nor tell us when, by whom, or where it was made, or ſhew us a Copy of it, except we will allow the Biſhop of *Beauvais* to have found it in that Paſſage of the Gospel, *Behold the Lillies of the Field neither toil nor ſpin*: By which he inferr'd, in an Aſſembly of the States of *France*, that Spinſters and their Succeſſors, meaning our Kings and Princes, deſcended from a Daughter of *France*, could not be Heirs to the *French* Lillies.

Country-m. I think there is a great deal in what you ſay, Maſter; for that would have cut off the Hopes of our *Jacobites* at once, who ſtill flatter themſelves, that the Circumſtances of the *French* Court will ſome Time or other be ſuch, as may enable them to make good the Pretenſions of the *St. Germains* Family, or of thoſe Branches of their own, deſcended from the Dutcheſs of *Orleance*. In my Opinion, there ought to have been no Room left to the *French* King, or his Succeſſors, to diſtinguiſh betwixt the *Letter and the Spirit of the Treaty*, in a Matter of this Importance. The Family of *Hannover* has deſerv'd better at our Hands, and at thoſe of the other Confederates, than not to have their Title ſecur'd againſt all future Tricks and Evaſions, as ſtrongly as Treaties, or the Wiſdom of Man, can ſecure it. Therefore, tho' that be the leaſt of ſome Peoples Care, I think it very juſt, that there was Room left for our farther Demands, by the 31ſt Article of the Preliminaries.

Obſ. The Modeſty of our Demands appear yet farther in the third Place, *Roger*, that whereas 'tis ſtipulated by the 16th Article, that *France* ſhall deliver

River up what the poſſeſſes in *Newfoundland* to the Crown of *Great Britain*, and that all the Countries, Iſlands, Forts, and Colonies, which have been poſſeſs'd by the Arms of either Side during the preſent War, in what Part ſoever of the *Indies* ſituated, ſhall be mutually reſtor'd, in my Opinion, *Roger*, we had a Right, as to this Article, to have inſiſted, 1. That *France* ſhould not only have been made to reſtore all *Newfoundland*, but oblig'd to make good the Damages that any of our Subjects have ſuſtain'd there by the Murders and Depredations the *French*, and the barbarous *Indians* by their Inſtigation, committed on that Iſland; and that the ſhould have been excluded from ever fiſhing or ſending any Ships thither, or to any of the neighbouring Creeks, Banks, Bays, Harbours, or Iſlands. This I conceive we might juſtly have done in our own Defence; for ſince we have been ſo modeſt, as not to inſiſt on having all the Ships of War he has taken from us ſince the Revolution, reſtor'd, nor to have him deſtroy or give up thoſe of his own, which our late *Frenchify'd* Courts ſuffer'd him to build, contrary to the Maxims and Politicks of the glorious Queen *Elizabeth*, who would not ſuffer his Predeceſſors ſo much as to build a large Fly-boat, without ſending them a ſharp Meſſage, I conceive we might have juſtly excluded him from fiſhing any where in *North America*, ſince we have felt, to our Coſt, that he has chiefly increas'd his naval Power, and ſunk ours, by his *Newfoundland*-Fiſhery. 2. *Roger*, whereas we have been ſo modeſt as to ſtipulate to reſtore all we have taken from him during the preſent War, in thoſe Parts, *Newfoundland* excepted, 'tis my Opinion, that we might juſtly have inſiſted, as I ſaid before, on having all *St. Chriſtophers*, *Accadia*, *Canada*, or *Nova Scotia*, with *Hudſons-Bay*, to which we have an undoubted Right of Diſcovery, beſides what we have acquir'd by our Arms. Nor can I ſee, *Roger*, but we had as good a Right to inſiſt upon it, that *France* ſhall never ſend any Ships to thoſe Parts to exerciſe Commerce, on any Pretext whatever, as the Houſe of *Auſtria* had to lay them under that Reſtriction, as to the *Spaniſh Indies*, by the 7th Article of the Preliminaries. 3. I am of Opinion, that we might juſtly have demanded a Surrender of all the late Diſcoveries they have made on *Miſſiſſipi* River, becauſe of the Danger that may accrue from their Settlements there, and at *Canada*, to our Plantations at *New York*, *Jerſey*, *Carolina*, *Maryland*, *New England*, *Newfoundland*, &c. concerning which, ſo many Memorials have been preſented formerly, by People who underſtand our Intereſt in that Part of the World; and I think we might juſtly have ſtood on having *Hudſons-Bay* reſtor'd, and a Compenſation for the Damages done us there, ſince 'twas mention'd in King *William*'s Declaration of War, and that they chican'd with us about that Matter after the Treaty of *Reſwick*.

Country-m. I hope all theſe Things will be taken Care of, if the Treaty be renew'd, Maſter.

Obſ. In the fourth Place, *Roger*, I think our Modeſty appears extraordinary in the 19th Article, which ſtipulates, that in the principal Negociation, Care ſhall be taken to ſettle a Treaty of Commerce with *Great Britain*; whereas the *Dutch* have been before-hand with us by the 25th Article, where they obtain, that the *Tariff*, or Book of Rates, ſhall be ſettl'd betwixt them and *France*, as 'twas in 1664, and that all Edicts, Declarations, and Arreſts poſterior to that, ſhall be aboliſh'd; and particularly that made in *May* 1699, and that all *Dutch* Veſſels trading to the Ports of *France*, ſhall be exempted from paying the Tonage-Duty of 50 Sols *per* Tun. We had as good Right to inſiſt upon that, and to have made it a Preliminary as the *Dutch*. The *Scots* formerly enjoy'd that Privilege, as I formerly mention'd; and I know no Reaſon why it ſhould not be extended now to the whole Iſland. And as the *Dutch* did formerly obtain a Relief for their Subjects, from that call'd the *Droit d' Aubaigne*, by which the *French* King falls Heir to the Eſtates of Strangers that die in his Dominions; and as the ſame Priviledge was alſo enjoy'd formerly by the *Scots*, I am of Opinion, that it ought now to be extended to all the Subjects of *Great Britain*, and hope it will be taken Care of if we come to have a new Treaty, ſince 'tis ſo great a Hardſhip upon Merchants and Traders, *&c.*

Country-m. Well, Maſter, I think you have ſufficiently prov'd the Modeſty of the Preliminaries ſtipulated by us, and the Houſe of *Auſtria*; and that there is very good Reaſon for bringing in the *French* King a *Dutch* Reckoning, ſince he diſputes the firſt. In the mean Time, I can't but applaud the Care of the *Dutch*, who always mind their Intereſt; that ſhews them to be a wiſe People, and fit to be imitated by others, eſpecially trading Nations. I am heartily glad that they ſhew themſelves to be ſo generous and diſintereſted, that notwithſtanding the large and honourable Conditions they obtain'd, they are ſo hearty and zealous to puſh on the War, 'till all the reſt of the Confederates have Juſtice done them. Let's drink a Bumper of *October* to the Succeſs of the Confederate Arms, and then I'll bid you good Night, Maſter.

N. B. In our laſt, Col 1, line 33. read *from hence*, l. 47. r. *as brimful*, l. 60. r. *Commiſſions*.

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